

REMARKS

In item 2 of the Office Action Claim 2 was rejected by the Examiner under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Reconsideration in view of this amendment is requested.

In response Claim 2 has been canceled, and the substance of canceled Claim 2 has been placed in amended Claim 1 so as to clearly and distinctly describe the invention. Further, the Examiner is thanked for pointing out the allowable subject matter of Claims 5-9, 11 and 12. In response Applicant has amended Claim 5 in independent form to include all the limitations of the base and intervening claims to clearly and distinctly point out the claimed axially inserted sealing cap for an air-conditioning collecting tube. No new matter has been added and the claims are fully supported in the original disclosure.

For these reasons, it is respectfully requested that the Examiner's rejection under 35 U.S.C. 112, second paragraph, be withdrawn.

In item 3 of the Office Action, the Examiner rejected Claims 1, 4 and 10 under the provision of 35 U.S.C. 102(b) as being anticipated by United States Patent No. 4,531,550 to Gartner (hereinafter the '550 Patent or "Gartner").

Reconsideration is respectfully requested.

A prima facie case of anticipation, according to the Federal Circuit, "requires the presence in a single prior art disclosure of each and every element of the claimed invention." *Lewmar Marine v. Barient, Inc.*, 3 U.S.P.Q.2d 1766, 1767 (Fed. Cir. 1987). Gartner does not meet that standard.

The claims, as presently amended, are directed to an axially inserted sealing cap for an air-conditioning collecting tube. The cap comprises at least two molded elements that can be coupled together. The first element has an inner recess divided by a transverse wall, a tiered, step-shaped exterior, a portion of which is the same diameter as the collecting tube, and at least one tiered portion with a smaller diameter suitable for a sealing ring and extending to securely receive a second element. The inner recess and transverse wall are made of uniform

thickness to prevent contraction of the cap during cooling. The novel exterior of the first element partly defines at least one seat for a sealing ring. The invention further contemplates the use of a third molded element that can be coupled to the first element, on an end opposite to the second element, in similar fashion. The third element is equipped with a portion suitable for partly defining a second seat for a sealing ring, and also suitable for connecting accessories or a filtering cartridge. The invention provides for coupling the first and second element and the first and third element by means of a gripper tab and attachment teeth, respectively.

The Examiner stated that Gartner discloses a plug (32) for use in air conditioning systems with at least two elements (34) and (36) which are capable of coupling together. A first element (34) with a portion (35) having the same diameter as the collecting tube, a smaller diameter (37) for receiving a second element (36), and one seat for a sealing ring (38). A portion of the plug with the smaller diameter extends beyond the seat and includes attachment means for coupling with the second element which has the same diameter as the tube.

Applicant acknowledges that Gartner describes a plug assembly for use in a collecting tube of an air-conditioning unit comprising a “female” sleeve fitted over a central cylinder “male” element with an elastic gasket in-between the two elements. Gartner’s plug assembly forms a solid cylindrical plug that is capable of compressing an elastic gasket against the walls of the collecting tube to prevent the passage of liquids. See Gartner Figure 4.

Further, Applicant acknowledges that Gartner describes a first element with an area having the same diameter as the collecting tube which extends with a smaller diameter, upon which a gasket may reside and a second element is attached by a screw. However, nowhere in the ‘550 patent is a first element described or suggested to have a portion that has the same diameter as the collecting tube which extends to a portion with a smaller diameter, to form a ring seat for a sealing ring, **and continues to extend to accept a second molded element which secures the two elements and gasket.**

Moreover, Gartner’s plug requires a screw (i.e. fastener (43)) to be tightened upon insertion into the collecting tube to secure the elastic gasket. See Gartner at Col. 3, lines 49-55. In fact, Gartner addresses the problem of securing the plug by adding another hexagonal

socket (59) in the male element to assist in “tightening” the elements together. See Gartner at Col. 4, lines 28-44. The instant invention solves the problems of “tightening the plug” or a “loose screw” by utilizing “molded” elements that can be pressure fitted to a gripped tab, recessed throat, or secured by teeth attachments, which is not taught nor suggested in the cited prior art.

The presently claimed invention provides a sealing cap for an air-conditioning collecting tube made of at least two molded elements which are capable of being pressure fitted together, adaptable to accessories, and is uniquely resistant to temperature change, which is not taught nor suggested in the cited prior art. For these reasons the §102(b) rejection over Gartner is not proper. Withdrawal of the rejection is therefore respectfully requested.

In item 4 of the Office Action, the Examiner rejected Claims 1, 4 and 10 under the provision of 35 U.S.C. 102(b) as being anticipated by United States Patent No. 3,326,404 to Gardner (hereinafter the ‘404 Patent or “Gardner”).

The Examiner suggests that Gardner anticipates the instant application because Gardner discloses a two element cap for curb boxes comprising a first element (19) having a portion of smaller diameter (20) suitable for receiving a second element (10) and a sealing ring (18). However, a fair reading of Gardner reveals a “cap” for axially inserting **to the top** of a curb box for sealing the box from outside moisture to eliminate rust. See Gardner at Col. 1, lines 20-25. In this regard, Gardner’s cap utilizes the outer edge portion (12) of a sleeve (13) of the curb box, generally indicated at (14), to aid in securing the cap.

More importantly, Gardner does not teach or suggest the presently claimed first element having a portion that has the same diameter as the collecting tube which extends to a portion with a smaller diameter and continues to extend to accept a second molded element which secures the elements together. In sharp contrast, Gardner describes a two element cap fitted to the sleeve of a curb box which must be bolted (24) together to compress a sealing ring (18) against the sleeve of the curb box. Significantly there is no expressed or implied

suggestion to use "molded" elements which can be pressure fitted together. As such, removal of the rejection under 35 U.S.C. §102(b) is therefore respectfully requested.

In light of the foregoing, favorable consideration is respectfully requested and earnestly solicited at this time.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'JVC', is written over the printed name.

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